

UNITED STATES PATENT AND TRADEMARK OFFICE

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office

January 12, 2007

LICATA & TYRRELL P.C. 66 E. MAIN STREET MARLTON, NJ 08053 US

Dear Sir/Madam,

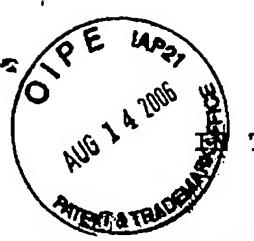
Your refund request for 10575577 in the amount of \$100.00 has been denied.

There was no fees charged on this application for claims. All fees charged were for basic filing and search fees for National Stage applications. Please see attached ram fee sheet.

PCT - National

703 308-9140 x231

- FILING FEE, SEARCH FEE, EXAMIATION FEE OR OATH OR DECLARATION AFTER
- 2617 TWENTY OR THIRTY MONTHS FROM PRIORITY DATE REF FC 254 BEFORE 10/01/2002
- 2622 UNDETERMINED CLAIMS REF FC 299 BEFORE 10/01/2002
- 2631 FILING OF PCT APPLICATION USPTO ISA NATIONAL STAGE
- 2632 NATIONAL STAGE SEARCH FEE ALL OTHER SITUATIONS
- 2633 NATIONAL STAGE EXAMINATION FEE ALL OTHER SITUATIONS
- NATIONAL STAGE SEARCH FEE U.S. WAS ISA OR IPEA AND ALL CLAIMS SATISFY PCT ARTICLE 33(1)-(4)
- 2641 NATIONAL STAGE SEARCH FEE U.S. WAS THE ISA
- NATIONAL STAGE SEARCH FEE SEARCH REPORT PREPARED AND PROVIDED TO USPTO
- NATIONAL STAGE EXAMINATION FEE U.S. WAS IPEA AND, ALL CLAIMS SATISFY PCT ARTICLE 33(1)-(4)
- 2651 FILING OF PCT APPLICATION JPO OR EPO ISA
- 2652 SEARCH OF PCT APPLICATION JPO OR EPO ISA
- 2653 EXAMINATION OF PCT APPLICATION JPO OR EPO ISA
- 2661 FILING OF PCT APPLICATION ISA NOT USPTO, JPO OR EPO
- 2662 SEARCH OF PCT APPLICATION ISA NOT USPTO, JPO OR EPO
- 2663 EXAMINATION OF PCT APPLICATION ISA NOT USPTO, JPO OR EPO
- PCT APPL. SIZE: > THAN 100 PAGES (FEE X NUMBER OF PAGES >= 101 IN 50 PAGE INCREMENTS)
- 2801 REQUEST CONT. EXAM. (RCE) REF FC 279 BEFORE 10/01/2002
- FOR FILING A SUBMISSION AFTER FINAL REJECTION - SEE 37 CFR 1.129(A) REF FC 246 BEFORE 10/01/2002
- 2814 STATUTORY DISCLAIMER REF FC 248 BEFORE 10/01/2002
- REEXAMINATION INDEPENDENT CLAIMS IN EXCESS OF THREE SMALL ENTITY \$ 100
- 2822 REEXAMINATION CLAIMS IN EXCESS OF TWENTY- SMALL ENTITY \$ 25
- 3011 FILING OF ORIGINAL PATENT APPLICATION
- 3012 FILING OF DESIGN APPLICATION FEE
- 3013 FILING OF PLANT APPLICATION
- 3014 FILING OF REISSUE PATENT APPLICATION
- 3015 FILING OF PROVISIONAL PATENT APPLICATION
- 3017 DESIGN PATENT FILING FEE (CPA)
- 3019 REISSUE FILING FEE (CPA)
- 3081 UTILITY SPECIFICATION AND DRAWING SIZE, > THAN 100 PAGES (FEE X PAGES >= 101 IN 50 PAGE INCREMENTS)
- DESIGN SPECIFICATION AND DRAWING SIZE, > THAN 100 PAGES (FEE X PAGES >= 101 IN 50 PAGE INCREMENTS)
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THE UNITED STATES PATENT AND TRADEMARK OFFICE

2006 AUG 17 PH 4: 10

Attorney Docket No.:

DC0270US.NP

US PATENT & TRADEMARK

OFFICE

Inventors:

Stanton et al.

Serial No.:

10/575,577

Filing Date:

Not yet assigned

Examiner:

Not yet assigned

Group Art Unit:

Not yet assigned

Confirmation Number:

Not yet assigned

Title:

Modulators of the ABC Transporter Family and Methods for Their Use

Certificate of Facsimile Transmission

I hereby certify that this document is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

On August 11, 2006

Kathleen A. Tyrrell, Registration No. 38,350

Mail Stop PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

REQUEST FOR REFUND

This application entered the U.S. National Phase in April 12, 2006. The International Preliminary Examination Report was not completed at the time of filing. Therefore, payment for the sum of \$300.00 for the application fee was made. This represented the required filing fee if the claims did not satisfy provisions of PCT Article 33 (1)-(4).

On April 27, 2006, the late International Preliminary Report on Patentability was received. As set forth in the Citations and Explanations of the claims, claims 1-14 meet all criteria. A copy of the International Preliminary Examination Report is enclosed.

Please credit our deposit account #50-1619 in the amount of \$100.00 which represents the overpayment of the application filing fee. This request is submitted in duplicate.

Respectfully submitted,

Kajthleen A. T

Registration No. 38,350

Date: August 11, 2006

LICATA & TYRRELL P.C. 66 E. Main Street Marlton, New Jersey 08053 (856) 810-1515 OE

Deplet

· Citte 48					DIAK
	TRANSMITTAL LETTER (General - Patent Pending) Docket No. DC0270US.NP				
In Resoption of: Stanton et al.					
Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/575,577	10/575,577 Not yet assigned Not yet assigned 26259				
Title: Modulators of the ABC Transporter Family and Methods for Their Use COMMISSIONER FOR PATENTS:					
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Transmitted herewith is: Courtesy copy of International Preliminary Report on Patentability Request for Refund Return postcard					
in the above iden No addition	tified application. nal fee is required.				
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Kathleen A. Tyrrel	Signature 1, Reg. No. 38,350		Dated: Augu	ıst 11, 2006	
			sufficient posta	th the United State age as first class the "Commissioner ia, VA 22313-1450"	espondence is being es Postal Service with mail in an envelope for Patents, P.O. Box [37 CFR 1.8(a)] on

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Signature of Person Mailing Correspondence	
Typed or Printed Name of Person Mailing Correspondence	e

cc:

PATENT COOPERATION TREATY

PCT/US2004/033874

MAY 0 5 2006 PCT

By NOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (CHAPTER I OF THE PATENT COOPERATION TREATY)

(PCT Rule 44bis.1(c))

From the INTERNATIONAL BUREAU

To:

LICATA, Jane, Massey Licata & Tyrrell P.C. 66 E. Main Street Marlton, New Jersey 08053 ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year)
27 April 2006 (27.04.2006)

Applicant's or agent's file reference DC-0270

International application No. PCT/US2004/033874

IMPORTANT NOTICE

International filing date (day/month/year)
14 October 2004 (14.10.2004)

Priority date (day/month/year)
15 October 2003 (15.10.2003)

Applicant

TRUSTEES OF DARTMOUTH COLLEGE et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference OC-0270 Iternational application No.	FOR FURTHER ACTION	See item 4 below
		Priority date (day/month/year) :15 October 2003 (15.10.2003)

	 This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis. 1(a).
2.	This proper
3.	This report contains indications relating to the following items:
	Box No. I Basis of the report
	Box No. II Priority
	Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial
	Lack of unity of invention
	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial Box No. VI Certain de
	Certain documents cited
	Box No. VII Certain defects in the international application
	Box No. VIII Certain observations on the international application
l. T.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but ate (Rule 44bis.2).

The International Bureau of WIPO 34, chemin des Colombattes	Date of issuance of this report 18 April 2006 (18.04.2006) Authorized officer
Facsimile No. +41 22 740 14 35	Ellen Moyse

PATENT COOPERATION TREATY From the INTERNATIONAL SEARCHING AUTHORITY To: /REC'D 27 JUN 2005 JANE MASSEY LICATA LICATA & TYRRELL P.C. 66 E. MAIN STREET MARLTON, NJ 08053 WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1) Date of mailing 24 JUN 2009 Applicant's or agent's file reference (day/month/year) FOR FURTHER ACTION DC-0270 See paragraph 2 below International application No. International filing date (day/month/year) Priority date (day/month/year) PCT/US04/33874 14 October 2004 (14.10.2004) International Patent Classification (IPC) or both national classification and IPC 15 October 2003 (15.10.2003) IPC(7): A61K 38/00 and US Cl.: 514/2 Applicant TRUSTEES OF DARTMOUTH COLLEGE 1. This opinion contains indications relating to the following items: Box No. I Basis of the opinion Box No. II Priority Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability Box No. IV Lack of unity of invention Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement Box No. VI Certain documents cited Box No. VII Certain defects in the international application Box No. VIII Certain observations on the international application 2. FURTHER ACTION If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered. If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later. For further options, see Form PCT/ISA/220. 3. For further details, see notes to Form PCT/ISA/220. Name and mailing address of the ISA/US

Authorized officer

Telephone No. (571) 272-1600

B. Dell Chism

Mail Stop PCT, Attn: ISA/US

Alexandria, Virginia 22313-1450

Commissioner for Patents

Form PCT/ISA/237 (cover sheet) (January 2004)

P.O. Box 1450

Facsimile No. (703) 305-3230

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.

	TOWAL SEARCHING AUTHORITY	PCT/US04/33874
	Box No. I Basis of this opinion	2 0 37 0 50 47 55 614
	 With regard to the language, this opinion has been established on the basis of the was filed, unless otherwise indicated under this item. This opinion has been established on the basis of a translation from the original which is the language of a translation furnished for the purposes of internation. With regard to any nucleotide and/or amino acid sequence disclosed in the interior invention, this opinion has been established on the basis of: a. type of material 	ginal language into the following language
	a sequence listing	-
	table(s) related to the sequence listing	
	b. format of material	
(in written format	
	in computer readable form	
	c. time of filing/furnishing	
	contained in international application as filed.	·
	filed together with the international application in computer readable for	·
	furnished subsequently to this Authority for the purposes of search.	III.
	In addition, in the case that more than one version or copy of a sequence listing or furnished, the required statements that the information in the subsequent of application as filed or does not go beyond the application as filed, as appropriate. Additional comments:	g and/or table relating thereto has been filed additional copies is identical to that in the copies, were furnished.
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	T/ISA/237(Box No. I) (January 2004)	

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/US04/33874

NO

Box No. 34 P	- AUTHORITY	
Box No. V Reasoned statement under R applicability; citations and ex	cule 43 bis.1(a)(i) with regard to uplanations supporting such sta	novelty, inventive step or industrial
I. Statement	such sta	tement
Novelty (N)	Claims 1-14	
	Claims NONE	YES
Inventive step (IS)	Claims 1-14	
	Claims NONE	YES NO
Industrial applicability (IA)	Claims 1-14	
	Claims NONE	YES

2. Citations and explanations:

¥

Claims 1-14 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the isolated protein factor of Pseudomonsa aeruginosa for the claimed methods of modulating plasma membrane expression of ABC transmembrane proteins.

Claims 1-14 meet the criteria set out in PCT Article 33(4), and thus claims 1-14 have industrial applicability because the subject matter claimed can be made or used in industry.

ATTENTION ATTENTION ATTENTION

Method of Refund:					
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Program Area PCT (altona)					
Date Processed 3/29/3006					

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Revenue Accounting and Management

Name/Number: 10575577

Total Records Found: 4

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
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04/20/2006	00000123	<u>1</u>	<u> 2631</u>	\$150.00	04/12/2006	CC
04/20/2006	00000124	1	<u> 2633</u>	\$100.00	04/12/2006	CC
04/20/2006	00000125	<u>1</u>	<u>2641</u>	\$50.00	04/12/2006	CC

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